



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,762	09/10/2003	Bruce W. Warila	2008311-0001	4844

24280 7590 02/01/2010
CHOATE, HALL & STEWART LLP
TWO INTERNATIONAL PLACE
BOSTON, MA 02110

EXAMINER

TECKLU, ISAAC TUKU

ART UNIT	PAPER NUMBER
----------	--------------

2192

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

02/01/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@choate.com

Response to Rule 312 Communication	Application No.	Applicant(s)
	10/659,762	WARILA ET AL.
	Examiner	Art Unit
	ISAAC T. TECKLU	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 20 January 2010 under 37 CFR 1.312 has been considered, and has been:

a) ☐ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☒ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

d(1) Applicants submitted that Examiner's amendment of October 21, 2009 was in error (Remark, pp. 20: ¶ 3). However, Examiner would like to indicate that there was no error made from the Office (See Examiner's Amendment on page 2).

d(2) Examiner would like to indicate that Applicants have mischaracterized the Interview conducted between the Examiner and Cynthia Gilbert, Reg. No. 65,609 on June 23, 2009. The Interview Summary conducted on July 23, 2009 does not indicate "any amendments were made to put the claims in condition for allowance per the Examiner's suggestion" (See Interview Summary dated 07/21/2009).

d(3) New claim 109 has been added.

Thus, it is respectfully submitted that, Applicant is required to file Withdrawal from issue under 37 CFR 1.313 in order to have the Application withdrawn. Note: until petition is granted the Notice of Allowance stands and that the filing of 312 does not affect the time period set in the Notice of Allowance, the requirement may change after filing of the issue fee.

/Tuan Q. Dam/
Supervisory Patent Examiner, Art Unit 2192

/Isaac T Tecklu/
Examiner, Art Unit 2192